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LOUISIANA-PACIFIC CORPORATION

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11

12 CAROL POSTIER, individually and on behalf of
all others similarly situated,

13 Plaintiff,

14 v.

15 LOUISIANA-PACIFIC CORP., and DOES 1-20,
16 Defendants.
17

No. CV 09 3290 JCS

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING
DATE**

Date: September 25, 2009
Time: 9:30 a.m.
Dept: Courtroom A (15th Floor)
(Magistrate Joseph C. Spero)

18 The parties to this action have each filed motions that the Court has set for hearing on
19 September 25, 2009;

20 LP's motion is to dismiss Plaintiff's damages claim under the California Consumer Legal
21 Remedies Act, Cal. Civ. Code § § 1750, *et seq.* (the "CLRA Damages Claim") pursuant to Fed.
22 R. Civ. Proc. 12(b)(6), to strike Plaintiff's CLRA Damages Claim pursuant to Fed. R. Civ. Proc.
23 12(f), and to dismiss Plaintiff's claim for breach of implied warranty pursuant to Fed. R. Civ.
24 Proc. 12(b)(6);

25 Plaintiff's motion is to strike the Declaration of Frank Kennamer submitted in support of
26 LP's motion pursuant to Cal. Code Civ. Proc. § 435 *et seq.*;
27
28

1 The parties have met and conferred about seeking a continuance of the hearing date for
2 their motions, and have been advised by the clerk for this Court that the motions may be heard
3 on October 9, 2009 at 9:30 a.m.;

4 The parties seek a continuance in order to allow additional time to consider whether a
5 basis exists to explore settlement of this action;

6 Accordingly, LP and Plaintiffs stipulate and respectfully request that the Court continue
7 the hearing date for their respective motions from September 25, 2009 to October 9, 2009 at 9:30
8 a.m.

9 DATED: September 8, 2009

BINGHAM MCCUTCHEN LLP

11 By: _____/s/_____
FRANK KENNAMER
Attorneys for Defendant
Louisiana-Pacific Corporation

14 DATED: September 8, 2009

AUDET & PARTNERS, LLP

16 By: _____/s/_____
JOSHUA C. EZRIN
Attorneys for Plaintiff
And the Proposed Class

19 GOOD CAUSE APPEARING, IT IS SO ORDERED.

21 DATED: Sept. 8, 2009 _____

